IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.MC.No. 465 of 2007()

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AGAINST THE ORDER IN CC328/2003 IN
CC.101/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHENGANNUR

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PETITIONER: 4TH ACCUSED.

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MANU M.R., MADATHIL HOUSE,
KODUKULANJI, VENMONY,
CHENGANOOR, ALLEPPEY DISTRICT.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS: RESPONDENTS.

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1. THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. KARTHIYANIAMMA, VETTIYIL HOUSE,
KODUKULANJI, VENMONY,
CHENGANOOR, ALLEPPEY DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C.No.465 of 2007**

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Dated this the 12th day of March, 2007

**ORDER**

The short grievance of the petitioner is that C.C.No.101 of 2002 and C.C.No.328 of 2003, which do both arise from the same incident - a private complaint and a police charged case, are not being disposed of expeditiously by the learned Magistrate. Report of the learned Magistrate has been called for. The learned Magistrate has explained the circumstances under which the delay occurred. The learned Magistrate has sought the permission of this Court to dispose of both the cases by 31.05.2007. The learned counsel for the petitioner submits that the petitioner does not want to seek any further relief. It may be ensured that the matter shall be disposed of by 31.05.2007, submits the learned counsel for the petitioner.

2. I am satisfied in these circumstances that no further direction need be issued. This Crl.M.C is dismissed, but I make it clear that the result follows from the acceptance of the undertaking of the learned Magistrate that the case shall be disposed of by 31.05.2007. The learned Magistrate shall do the same and report compliance to this Court.

**(R.BASANT, JUDGE)**

rtr/-

The petitioner is the accused in two cases, ie. C.C.101 of 2002 and C.C.328 of 2003, registered, inter alia, under Sections 324 and 294 B I.P.C. Both cases relate to the same incident. One is registered on a final report submitted by the police. Aggrieved by the said final report, the complainant has filed a private complaint and that private complaint is the next case. The cases have been pending for the past

about 5 years before the court below. The matter has not been taken up for consideration and disposal.

2. The petitioner, a young person, has now secured an employment as a Police Constable. He has come to this Court with a prayer that cases may be directed to be disposed of as expeditiously as possible, as pendency of the proceedings is likely to affect his prospects in his newly secured employment. The short request of the petitioner is that both cases may be directed to be disposed of expeditiously.

3. I am in ready agreement with the learned counsel for the petitioner that the proceedings which have been pending for the past about 5 years, must be tried and disposed of as expeditiously as possible.

4. Call for a report from the Judicial Magistrate of the First Class-II, Chengannur as to why these proceedings are not being taken up for disposal. I make it clear that I expect the learned Magistrate to take up those cases for trial and dispose them of expeditiously. The learned Magistrate must report to the Court the date by which such disposal shall be made. Await report of the learned Magistrate.

5. Call on 12.03.2007.

**(R.BASANT, JUDGE)**

rtr/-